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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,063	07/10/2001	Stefan Hennen	112740-184	6452
29177	7590	03/09/2006		EXAMINER
BELL, BOYD & LLOYD, LLC				PHUNKULH, BOB A
P. O. BOX 1135				
CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/786,063	HENNEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bob A. Phunkulh	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 22 December 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 28-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

<ol style="list-style-type: none"> <li>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol>
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## DETAILED ACTION

This communication is in response to applicant's 12/22/2005 amendment(s)/response(s) in the application of **HENNEN et al.** for "**TELECOMMUNICATIONS SYSTEM AND METHOD FOR TRANSMITTING DATA AND TELECOMMUNICATION SYNCHRONIZATION METHOD**" filed 02/28/2001. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 28-54 are now pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-33, 37-42, 45-52 are rejected under 35 U.S.C. 102(e) as being anticipated by *Wolf* (US 6,163,551).

Regarding claims 28, 37, *Wolf* '551 a telecommunication system for transmitting data via at least one of a plurality of different transmission networks, the telecommunication system being supplied with at least one clock signal as synchronization source from the at least one transmission network, the telecommunication system comprising:

at least one interface unit for receiving data from the at least one transmission network, the data describing a quality of the clock signal supplied via the at least one transmission network (NE1-NE6 each receives receive message signals at several inputs, a selection is made from the several received message signals as to which clock is to be used to tune the internal clock provider i.e. which clock is used as the reference clock, see figures 1-2);

a device for assessing the quality of the at least one clock signal (the SASE receive each SSM messages from each NE1-NE6 and make the clock selection, see col. 3 lines 30-33); and

a converter in the at least one interface unit which converts the data describing the quality of the clock signal into messages, the format of the messages being independent of a format of the data transmitted, and which transmits the messages to the device for assessment (the NE1-NE6 generate SSM signal from the received message signal STM-N message, see col. 2 lines 25-34 and col. 3 lines 14-29).

Regarding claim 29, *Wolf '551* discloses the converter receives additional messages from the device and converts the additional messages into data of a format of the at least one transmission network (the NE receive the REF signal from the SASE, see figure 3 and col. 5 lines 26-34).

Regarding claims 30, 38, *Wolf '551* discloses the data contains both user data and supplementary data, the quality of the clock signal being described by the

supplementary data (the SSM signal is received in the receive signal at each NE1-NE6, see col. 4 lines 3-10).

Regarding claims 31, 39, *Wolf '551* inherently discloses the plurality of different transmission networks includes at least one PDH transmission network (in col. 1 lines 66-67, *Wolf* discloses that is invention is in "a synchronous digital communication system." It is known in the art that synchronous network includes PDH, SDH, SONET, etc...).

Regarding claims 32, 40 *Wolf '551* the plurality of different transmission networks includes at least one SDH transmission network (see col. 1 lines 13-23).

Regarding claims 33, 41, *Wolf '551* the plurality of different transmission networks includes at least one SONET transmission network (see col. 1 lines 13-23).

Regarding claim 42, *Wolf '551* the step of converting the data into messages includes recalculating a value of the quality of the clock signal into a value of an independent value range (generating SSM message, see col. 5 lines 13-25) .

Regarding claim 45, *Wolf '551* discloses the step of deciding includes selecting a highest-quality clock signal supply (selecting the most accurate clock, see col. 5 lines 36-50).

Regarding claim 46, *Wolf '551* discloses the step of deciding includes selecting a clock signal having a quality which is above a threshold value (selecting the most accurate clock, see col. 5 lines 36-50).

Regarding claim 47, *Wolf '551* discloses a method for transmitting data from a telecommunication system into at least one of a plurality of different transmission networks, the data describing a quality of a clock signal with which the telecommunication system is synchronized, the method comprising the steps of:

generating a message describing the quality in a format which is independent of formats of the data to be transmitted;

converting the messages into data of a format used in the at least one transmission network; and

transmitting the data into the at least one transmission network (see col. 2 lines 25-34).

Regarding claim 48, *Wolf '551* discloses the data contains both user data and supplementary data, the quality of the clock signal being described by the supplementary data (the SSM signal is received in the receive signal at each NE1-NE6, see col. 4 lines 3-10).

Regarding claim 49, *Wolf '551* inherently discloses the plurality of different transmission networks includes at least one PDH transmission network (in col. 1 lines

66-67, Wolf discloses that is invention is in “a synchronous digital communication system.” It is known in the art that synchronous network includes PDH, SDH, SONET, etc...).

Regarding claim 50, *Wolf '551* the plurality of different transmission networks includes at least one SDH transmission network (see col. 1 lines 13-23).

Regarding claim 51, *Wolf '551* the plurality of different transmission networks includes at least one SONET transmission network (see col. 1 lines 13-23).

Regarding claim 52, *Wolf '551* the step of converting the data into messages includes recalculating a value of the quality of the clock signal into a value of an independent value range (generating SSM message, see col. 5 lines 13-25).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-36, 43-44, 53-54, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolf '551* in view of *Wolf* (US 5,886,996).

Regarding claims 34-36, 43-44, 53-54, *Wolf '551* fails to disclose the messages for describing the quality contain numerical values within a value range or the value ranges at least as wide as a largest value range of the data transmitted; or the value range includes four bits of a byte.

*Wolf '996*, on the other hand, discloses bits 5 to 8 of the S1 (Z1) bytes defines standard reference clocks according to ITU-T Recommendations (see col. 1 lines 66 to col. 2 lines 8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made implement the teaching of *Wolf '996* in the system taught by *Wolf '551* in order to comply with the ITU-T standard.

### ***Response to Arguments***

Applicant's arguments filed 12/22/2005 have been fully considered but they are not persuasive.

In response to the applicant's argument in page 7, *Wolf '551* discloses each Network elements NE1-NE6 received STM-N signal including a quality indicator in the signal and derived (convert) the quality of indicator (SSM) signal from the received signal and forward the SSM signal to the SASE for selection (see col. 3 line 56 to col. 4 lines 10). Therefore, *Wolf '511* discloses the claimed subject matter "a converter in the at least one interface unit which converts the data describing the quality of the clock signal into messages, the format of the messages being independent of a format of the data transmitted, and which transmits the message to the device for assessment.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

**Any response to this action should be mailed to:**

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Art Unit: 2661

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tursday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Wellington Chin**, can be reach on **(571) 272-3134**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bob A. Phunkulh

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Primary Examiner  
TC 2600  
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March 07, 2006